



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 9, 2007

Secretary Michael W. Sole
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 10
Tallahassee, FL 32399

Dear Secretary Sole:

On June 15, 2007, the South Florida Water Management District (District) was directed by the U.S. District Court (Court) in Case No. 02-80309-CIV to apply for a National Pollutant Discharge Elimination System Permit (NPDES) to operate pumping stations S-2, S-3 and S-4 located on the southern rim of Lake Okeechobee. To comply with the Court's order, the District is initiating the permitting process and submitting the enclosed DEP general form 62-620.910(1) (Wastewater Facility or Activity Permit Application Form 1 General Information) for each of the structures.

It is unclear today how the NPDES permitting structure should be applied to the District's water management activities, which are largely driven by stormwater events. When the program was created 35 years ago, it was not designed to regulate water supply or flood control operations. It was aptly structured to control industrial discharges, with the commendable goal of improving the quality of the nation's waters. As acknowledged by the Court, there are no "off-the-shelf" templates that can be followed to fashion an appropriate NPDES permit.

The District has long maintained that the federal permitting process is an inappropriate mechanism for regulating the movement of water to meet regional flood control and water supply needs. Our foundation is the belief that Florida—and all states—should manage local waters for the benefit and protection of its citizens; this important mission should not be relinquished to the federal government. Additionally, the District already operates its water control structures in compliance with state law; an NPDES permit for S-2, S-3 and S-4 offers Lake Okeechobee no additional protections.

The District takes seriously its responsibility to protect the quality of life of Floridians through water supply enhancement and flood control. We also remain committed to cleaning up Lake Okeechobee as a part of our efforts to restore the South Florida ecosystem. Since 2001, we have invested more than \$140 million to improve the health

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of the lake by increasing water storage, expanding and constructing treatment marshes and expediting environmental management initiatives. This year, the District will set aside another \$199 million to further these important actions north of the lake. Together with alternative regulation schedules and operational alternatives, additional water storage options will, over time, eliminate the need for back-pumping when water supplies in Lake Okeechobee are critically low.

We appreciate your assistance, cooperation and guidance in determining solutions that will ultimately benefit the environment and sustain our regional economy. As we begin this long and complex permitting procedure in compliance with the Court order, the District stands ready to assist the Department of Environment Protection in identifying an appropriate mechanism for permitting the S-2, S-3 and S-4 structures, including the need to create a new class of general or individual permit to address the unique characteristics and circumstances of state water transfer operations.

Sincerely,



Carol Ann Wehle
Executive Director
South Florida Water Management District

CAW/sn